

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR CARROLL COUNTY )

Case No. 08S00-1305-MS- 369

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Carroll Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Carroll Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR08-TR79-10, LR08-CR13-19 and LR08-AR15-13 comply with the requirements of Ind. Trial Rule 79, Ind. Criminal Rule 13 and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Carroll County Local Rules, LR08-TR79-10, LR08-CR13-19 and LR08-AR15-13, set forth as an attachment to this Order, are approved effective May 11, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Benjamin A. Diener, Carroll Circuit Court, P.O. Box 28, Delphi, IN 46923-0028; the Hon. Kurtis G. Fouts, Carroll Superior Court, 101 West Main Street, Delphi, IN 46923-1566; to the Clerk of the Carroll Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Carroll Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on May 16, 2013.

A handwritten signature in blue ink, appearing to read "Brent E. Dickson", is written over a horizontal line.

Brent E. Dickson  
Chief Justice of Indiana

## **LR08-TR79-10: APPOINTMENT OF SPECIAL JUDGES**

**JUVENILE CASES.** When the appointment of a special judge in a juvenile case is necessary pursuant to Trial Rule 79(H), then a special judge shall be appointed from Section (A). If no judge qualifies under Section (A), then a special judge shall be chosen from Section (B) on a rotating basis.

- A)    1.     Judge of the Carroll Circuit Court
- 2.     Judge of the Carroll Superior Court
- B)    1.     Judge of the Clinton Circuit Court
- 2.     Judge of the Cass Circuit Court
- 3.     Judge of the White Circuit Court

**ALL OTHER CIVIL CASES.** In all other civil cases, when the appointment of a special judge is necessary pursuant to Trial Rule 79(H), then a special judge shall be appointed from Section (A). If no judge qualifies under Section (A), then a special judge shall be chosen from Section (B) on a rotating basis.<sup>1</sup>

- A)    1.     Judge of the Carroll Circuit Court
- 2.     Judge of the Carroll Superior Court
- B)    1.     Judge of the Clinton Circuit Court
- 2.     Judge of the Clinton Superior Court
- 3.     Judge of the Cass Circuit Court
- 4.     Judge of the Cass Superior Court I
- 5.     Judge of the Cass Superior Court II

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<sup>1</sup> The judges listed are in the 10<sup>th</sup> Administrative District or counties contiguous to Carroll County and have consented to exchange services with the judges of Carroll County.---

### **LR08-CR13-19: SELECTION OF SPECIAL JUDGES**

Pursuant to Ind.Crim.R. 2.2 and Ind.Crim.R. 13(C), this rule shall apply to the reassignment of the case and the selection of special judges in felony and misdemeanor cases where a change of judge is granted pursuant to Ind.Crim.Rule 12(B) or an order of disqualification or recusal is entered in the case.

The reassignment procedure set forth in this rule also shall apply where a change of judge is granted pursuant to Ind.Post-Conviction Remedy Rule 1(4)(b) and in proceedings to enforce a statute defining an infraction and ordinance violation cases where a change of judge is granted for cause pursuant to Crim.R. 12(C).

A special judge shall be selected from Section (A). If no judge qualifies under Section (A), then a special judge shall be chosen from Section (B) on a rotating basis.<sup>1</sup>

- A)    1.     Judge of the Carroll Circuit Court
- 2.     Judge of the Carroll Superior Court
- B)    1.     Judge of the Clinton Circuit Court
- 2.     Judge of the Cass Superior Court II
- 3.     Judge of the Clinton Superior Court
- 4.     Judge of the White Superior Court

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<sup>1</sup> The judges listed are in counties contiguous to Carroll County.

## **LR08-AR15-13: COURT REPORTERS**

**SECTION ONE. DEFINITIONS.** The following definitions shall apply under this local rule:

(1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, and stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday and Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Carroll County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(14) *Rush Transcript* means any transcript required within seven days from date of request.

## **SECTION TWO. SALARIES, PREPARATION OF TRANSCRIPTS, AND FEES.**

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.

(2) The court reporter shall not prepare transcripts during regular work hours.

(3) The maximum per page fee a court reporter may charge for the preparation of a county or state indigent transcript shall be \$4.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00.

(5) A minimum fee of \$35.00 for total cost of a transcript may be charged for any transcript less than 10 pages.

(5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

(6) If a court reporter elects to engage in private practice through recording a deposition and/or preparing a deposition transcript, that such private practice shall be conducted outside of regular working hours.

(7) The maximum per page fee a court reporter may charge for the preparation of a Rush Transcript is \$6.00 per page.

IN THE CIRCUIT AND SUPERIOR COURTS  
OF CARROLL COUNTY, INDIANA

In the Matter of                    )  
County Local Rules                )

**NOTICE OF PROPOSED AMENDMENTS TO LOCAL COURT  
RULES AND REQUEST FOR SUPREME COURT APPROVAL**

In accordance with Trial Rule 81 of the Indiana Rules of Court, the Carroll Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the local rules, **effective May 11, 2013**. Supreme Court approval is required for amendments to Local Rules concerning **special judge selections in civil and criminal cases at LR08-TR79-10 and LR08-CR13-19**, and concerning **court reporter services at LR08-AR15-13** and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment will begin on **April 10, 2013**, and will close on **May 10, 2013**. The final version of the rules will be submitted to the Indiana Supreme Court for review and approval.

This proposed rule will be posted in the Carroll County Clerk's office and on the Carroll County Clerk's website, on the Indiana Judicial website, and notice will be given to the officers of the Carroll County Bar Association. Comments may be made to:

The Honorable Benjamin A. Diener, Judge, Carroll Circuit Court, P.O. Box 28, Delphi, IN 46923-0028 or by email at [bdiener@CarrollCounty.in.gov](mailto:bdiener@CarrollCounty.in.gov)

The Honorable Kurtis G. Fouts, Judge, Carroll Superior Court, 101 Main Street, Delphi, IN 46923-1566, or by email at [kurtisfouts@me.com](mailto:kurtisfouts@me.com)

Ordered this 8th day of April, 2013.

\_\_\_\_\_/S/\_\_\_\_\_  
Benjamin A. Diener, Judge  
Carroll Circuit Court

\_\_\_\_\_/S/\_\_\_\_\_  
Kurtis G. Fouts, Judge  
Carroll Superior Court